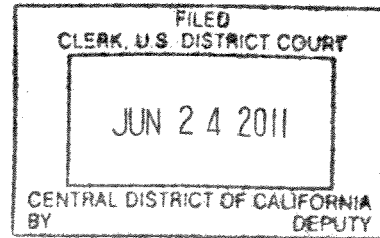


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7 Attorneys for Defendant
Becker Professional Development Corp.



9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 KAMRAN RAFIZADEH,
13 individually and behalf of all those
similarly situated,

14 Plaintiff,

15 v.

16 BECKER PROFESSIONAL
DEVELOPMENT CORP., an Illinois
17 Corporation; and DOES 1 to 100,
inclusive

18 Defendants.
19

Case No. **LACV 11-5297** MMM (PLA)

**NOTICE OF REMOVAL OF
DEFENDANT BECKER
PROFESSIONAL DEVELOPMENT
CORP.**

**(28 U.S.C. §§ 1331 and 1441(a), (b),
and (c))**

**(Los Angeles County Superior Court
Case No. BC461349)**

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA AND TO
PLAINTIFF AND PLAINTIFF'S ATTORNEY OF RECORD:**

Pursuant to 28 U.S.C. § 1446(a), defendant Becker Professional Development Corporation (hereinafter "Becker" or "Defendant") hereby invokes this Court's jurisdiction under the provisions of 28 U.S.C. §§ 1331 and 1441(a), (b), and (c) and states the following grounds for removal:

1. This removal involves a civil putative class action wherein Plaintiff Kamran Rafidzadeh ("Plaintiff"), on behalf of himself and a class of similarly situated persons, seeks compensatory and other damages and relief according to proof at trial against Becker. Plaintiff has alleged claims for violation of the federal Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 207, for alleged non-payment of overtime wages, as well as claims for alleged violations of the California Labor Code (including failure to provide meal breaks and rest periods, failure to pay wages upon termination, failure to provide accurate itemized wage statements, failure to pay overtime, conversion and wrongful termination in violation of public policy). Plaintiff also alleges a derivative claim for violation of California Business and Professions Code § 17200.

2. On May 25, 2011, Becker received by certified mail the Complaint, a true and correct copy of which is attached hereto as Exhibit A. Plaintiff brought the action, which arises from an alleged employment relationship between Plaintiff and Becker, in the Superior Court of the State of California, County of Los Angeles, styled and captioned exactly as above, and assigned Case No. BC461349.

3. This Notice of Removal has been filed within 30 days after the receipt of the Complaint by Becker, and since no other defendants have been served, the requirement of 28 U.S.C. § 1446(b) requiring removal within 30 days of receipt of

1 the Complaint by the first defendant has been satisfied. In addition, this Notice of
2 Removal has been filed within one year of the commencement of the action in state
3 court as required by 28 U.S.C. § 1446(b). Therefore, this Notice of Removal has
4 been timely filed. *See Perez v. General Packer, Inc.*, 790 F. Supp. 1464 (C.D. Cal.
5 1992).

6 4. This Court has subject matter jurisdiction over all the claims alleged in
7 this action pursuant to 28 U.S.C. § 1441 because this case could have been filed
8 originally in this Court pursuant to the federal question jurisdiction conferred by 28
9 U.S.C. § 1331. Supplemental jurisdiction exists with respect to any remaining
10 claims, pursuant to 28 U.S.C. § 1367.

11
12 **I. FEDERAL QUESTION AND SUPPLEMENTAL JURISDICTION**
13 **AND BASIS FOR REMOVAL.**

14
15 5. Federal question jurisdiction exists pursuant to 28 U.S.C. § 1331
16 because the Complaint alleges claims arising under federal law. Specifically,
17 Plaintiff alleges that Becker failed to pay proper wages for all hours worked in
18 violation of the FLSA, 29 U.S.C. § 207. (Ex. A, Complaint ¶¶ 7, 13, 17, 19 & 20.)
19 Pursuant to 28 U.S.C. § 1331, Federal District Courts shall have original
20 jurisdiction of all civil actions arising under the laws of the United States.

21 6. Pursuant to 28 U.S.C. § 1367(a), this Court may exercise supplemental
22 jurisdiction over Plaintiff's remaining state law causes of action. 28 U.S.C.
23 § 1367(a) provides that: "[I]n any civil action of which the district courts shall have
24 original jurisdiction, the district courts shall have supplemental jurisdiction over all
25 other claims that are so related to claims in the action within such original
26 jurisdiction that they form part of the same case or controversy under Article III of
27 the United States Constitution." Thus, once a district court has jurisdiction over a
28 federal claim, it may exercise supplemental jurisdiction over "state-law claims

1 ‘deriving from a common nucleus of operative fact.’” *Exxon Mobile Corp. v.*
2 *Allapattah Services, Inc.*, 545 U.S. 546, 588 (2005) (citing *United Mine Workers of*
3 *America v. Gibbs*, 383 U.S. 715, 725 (1966).)

4 7. Plaintiff’s state law causes of action arise from the same basic set of
5 facts as Plaintiff’s federal claim — Plaintiff’s allegations are all based on his
6 alleged employment relationship with Defendant, specifically whether Plaintiff was
7 accurately paid by Becker in compliance with law. (Ex. A, Complaint ¶ 5.)
8 Accordingly, Plaintiff’s state law causes of action form part of the same case or
9 controversy under Article III of the United States Constitution and are subject to
10 supplemental jurisdiction.

11 8. Thus, pursuant to 28 U.S.C. §§ 1331, 1367 (a), and 1441(a) and (b),
12 this state court action may be removed to Federal District Court in that federal
13 question jurisdiction exists.

14 15 **II. VENUE.**

16
17 9. Plaintiff’s state court action was commenced in the Superior Court of
18 the State of California for the County of Los Angeles and, pursuant to 28 U.S.C.
19 §§ 84(c) and 1446 (a), (b) and (c), may be removed to this United States District
20 Court for the Central District of California, which embraces Los Angeles within its
21 jurisdiction.


22 23 **III. CONCLUSION.**

24
25 10. For the reasons discussed herein, pursuant to 28 U.S.C. §§ 1331 and
26 1441(a), (b) and (c), this state court action may be removed to Federal District
27 Court.

1 WHEREFORE, Becker requests that this action be brought to this
2 Court, and that this Court exercise its jurisdiction in the premises.

3
4 Dated: June 24, 2011.

O'MELVENY & MYERS LLP
APALLA U. CHOPRA
BENJAMIN J. KIM
JILLIAN R. WEINSTEIN

6
7 By: 
8 Apalla U. Chopra
9 Attorneys for Defendant
Becker Professional Development Corp.

10
11 1174825
12
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Exhibit A



**Service of Process
Transmittal**

05/25/2011

CT Log Number 518576223

TO: Irma Velazquez
Devry Inc.
3005 Highland Parkway
Downers Grove, IL 60515-5799

RE: Process Served in Illinois

FOR: Becker Professional Development Corporation (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Kamran Rafizadeh, individually and behalf of all those similarly situated, Pltf. vs. Becker Professional Development Corp., etc. and Does 1 to 100, inclusive, Dfts.
Name discrepancy noted.

DOCUMENT(S) SERVED: Summons, Complaint, Notice, Instructions, Attachment(s), Proposed Order

COURT/AGENCY: Los Angeles - Superior Court, CA
Case # BC461349

NATURE OF ACTION: Employee Litigation - Class Action Complaint for Unlawful Business Practices, Unpaid Wages, etc.

ON WHOM PROCESS WAS SERVED: C T Corporation System, Chicago, IL

DATE AND HOUR OF SERVICE: By Certified Mail on 05/25/2011 postmarked: "Not Post Marked"

JURISDICTION SERVED: Illinois

APPEARANCE OR ANSWER DUE: 30 calendar days after service

ATTORNEY(S) / SENDER(S): Henry M. Lee, Law Corporation
3530 Wilshire Blvd.
Suite 1710
Los Angeles, CA 90010
213-382-0955

ACTION ITEMS: CT has retained the current log, Retain Date: 05/25/2011, Expected Purge Date: 05/30/2011
Image SOP
Email Notification, Gregory S. Davis gsdavis@devry.com
Email Notification, Irma Velazquez ivelazquez@devry.edu
Email Notification, Amanda Slusher aslusher@devry.edu

SIGNED: C T Corporation System
PER: Thad DiBartelo
ADDRESS: 208 South LaSalle Street
Suite 814
Chicago, IL 60604
TELEPHONE: 312-345-4336

Page 1 of 1 / JG

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

BECKER PROFESSIONAL DEVELOPMENTAL CORP., an Illinois Corporation; and DOES 1 to 100, inclusive

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

KAMRAN RAFIZADEH, individually and behalf of all those similarly situated

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

MAY 11 2011

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of the State of California, Los Angeles, Central District
111 North Hill Street, Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

BC461349

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Henry M. Lee, Bar No.: 156041

3530 Wilshire Boulevard, Suite 1710, Los Angeles, CA 90010

HENRY M. LEE, LAW CORPORATION

(213) 382-0955

FAX: (213) 382-0956

DATE:

(Fecha)

MAY 11 2011

deputy by
(Secretario)

Shaunya Wesley

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): BECKER PROFESSIONAL DEVELOPMENTAL CORP., AN ILLINOIS CORPORATION

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

☐ other (specify):

- ☐ by personal delivery on (date):

Page 1 of 1

Henry M. Lee, Bar No. 156041
Robert Myong, Bar No. 262097
HENRY M. LEE, LAW CORPORATION
3530 Wilshire Boulevard, Suite 1719
Los Angeles, California 90010
(213) 382 -0955
(213) 382-0956 Facsimile

Attorneys for Plaintiff
Kamran Rafizadeh

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

MAY 11 2011

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

KAMRAN RAFIZADEH, individually)
and behalf of all those similarly situated,)

Plaintiff,)

vs.)

BECKER PROFESSIONAL
DEVELOPMENT CORP., an Illinois
Corporation; and DOES 1 to 100,
inclusive,)

Defendants.)

CASE NO.: BC 461349

CLASS ACTION COMPLAINT FOR
DAMAGES:

1. UNFAIR COMPETITION;
2. LABOR CODE VIOLATIONS;
3. UNLAWFUL DISCRIMINATION;
4. CONVERSION

Plaintiff KAMRAN RAFIZADEH, individually and on behalf of all those similarly situated
(collectively "Plaintiff"), hereby complains, alleges and avers as follows:

GENERAL ALLEGATIONS

1. Plaintiff is an individual residing in Los Angeles County, California and was a former
employee of Defendant identified herein.

2. Plaintiff is informed and believes and based thereon alleges that Defendant BECKER
PROFESSIONAL DEVELOPMENT CORP. doing business using the names BECKER
PROFESSIONAL REVIEW and other similar names is a an Illinois corporation duly organized
in the State of Illinois with its principal places of business in the County of Los Angeles,
California. Plaintiff alleges each of said Defendants, including the unknown Defendants

1 identified as DOES, directly or indirectly controlled or affected the working conditions, wages,
 2 working hours, and conditions of employment of Plaintiff and all others similarly situated so as
 3 to make each of said Defendants employers and liable as employers under the statutory
 4 provisions set forth herein (collectively "Defendants").

5 3. The true names and capacities, whether individual, corporate, associate, or otherwise, of
 6 defendants designated as DOES 1 through 100, inclusive, are currently unknown to Plaintiff,
 7 who therefore sue said defendants by such fictitious names. Each of the DOE defendants co
 8 conspired with or is otherwise legally responsible in some manner for the acts, omissions, events
 9 and happenings which proximately caused damages to Plaintiff, as herein alleged. Plaintiff will
 10 ask leave of court to amend this Complaint to allege their true names and capacities when the
 11 same have been ascertained.

12 4. At all times mentioned herein, Defendants, and each of them, were the agents,
 13 representatives, employees, co conspirators, successors and/or assigns, each of the other, and
 14 were acting within the course and scope of their authority as such agents, representatives,
 15 employees, co conspirator, successors and/or assigns, and each Defendant ratified and approved
 16 the acts of its, his or her agent, and/or that of the remaining Defendants, and each of them.
 17 Plaintiff further alleges to the extent any Defendant is a separate business entity, that there
 18 existed such a unity of interest and commonality of control, including possible commingling of
 19 funds, lack of adequate capitalization, failure to maintain proper books and records, and
 20 additional omissions, there truly is no separation or distinction between the individual and the
 21 entity. Plaintiff alleges the entities were nothing more than mere instrumentalities, shells and
 22 alter egos of each of the individual defendants such that adherence to the fiction of a separate
 23 entity should be ignored and the entities treated as though they were one and the same as the
 24 individuals and vice versa.

25 CLASS ACTION ALLEGATIONS:

26 5. The class that Plaintiff represents is composed of current and former non-exempt
 27 employees of the Defendants, who were employed by Defendants within the State of California
 28 and nationwide in various states within the past four years, who were not properly paid their

1 wages and are entitled to penalties and additional wages as set forth below. Plaintiff alleges that
2 he and others similarly situated worked as class room facilitators, preparing, organizing,
3 reporting, overseeing and handling Defendant's provision of professional test preparation courses
4 to the public. The class is comprised of the following classes of non-exempt employees who
5 were acted as class room facilitators, paid and improperly treated as independent contractors and
6 victims of the following conduct committed by the Defendants:

- 7 a. All employees who worked overtime hours, whether more than 8 hours per day, or 40
8 hours per week, who were not paid overtime rates for all overtime hours worked, and
9 all employees who worked days and weekends and other work hours which were not
10 compensated at the statutory minimum wage rate or overtime rate, or who were
11 instructed that certain hours did not constitute independent contractor hours for which
12 compensation would issue;
- 13 b. All employees who worked more than five hours in a day and were not permitted to
14 take a statutory meal break within that first five hours of work;
- 15 c. All employees who were not permitted to take uninterrupted statutory meal periods
16 during which they were relieved of all duties;
- 17 d. All employees who were not permitted to take two statutory meal periods during days
18 in which they worked 10 or more hours;
- 19 e. All employees who worked more than four hours and were not permitted to take a
20 statutory rest period within the first four hours of a day's work;
- 21 f. All employees who were not permitted to take uninterrupted statutory rest periods
22 during which they were relieved of all duties;
- 23 g. All employees who worked 8 or more hours per day and were not permitted to take
24 two statutory rest periods within that 8 hour period;
- 25 h. All employees who were paid wages without a proper accounting of their wages in
26 compliance with Labor Code Section 226;
- 27
28

- 1 i. All employees who were terminated or who resigned from their employment with the
2 Defendants, and who were not paid all of their wages due at the time of termination or
3 within 72 hours of resignation;

4 6. Plaintiff is informed and believes the persons in the class are so numerous, being in excess
5 of fifty individuals just within the State of California, and possibly several hundred class
6 members nationwide, that the joinder of all such persons is impracticable, and disposition of their
7 claims as a class will benefit all parties and the court.

8 7. There is a well-defined commonality of interest in the questions of law and fact involving
9 and affecting the class members to be represented. Within that overall class, Plaintiff further
10 alleges Defendants and each of them improperly treated Plaintiff and other similarly situated
11 persons as independent contractors, instead of as non exempt employees, and treated Plaintiff and
12 others as exempt from payment of overtime wages and failed to pay class members minimum
13 wages for all hours worked, overtime wages in violation of the California Labor Code, as well as
14 the Fair Labor Standards Act. Plaintiff also alleges that by improperly treating their nonexempt
15 employees as contractors, Defendants and each of them further violated the California Labor
16 Code and applicable Industrial Welfare Commission Order and provisions of the Fair Labor
17 Standards act by failing to provide statutory mandated meal breaks and rest periods and failing to
18 properly document hours worked and rates of pay. Plaintiff alleges that Defendants on a class-
19 wide basis failed to provide each of their employees, regardless of exemption status, a proper
20 accounting of wages paid in violation of Labor Code Section 226 and provisions of the Fair
21 Labor Standards Act.

22 8. The claims of Plaintiff herein alleged are typical of those claims which could be alleged
23 by any member of the class, and the relief sought is typical of that which could be sought by each
24 member of the class in separate actions.

25 9. Plaintiff will fairly and adequately represent and protect the interests of all members of
26 the class as their claims are identical to those of the class. Further, Plaintiff's counsel is qualified
27 to act as class counsel and has been approved to act as class counsel in several prior class action
28 lawsuits.

10. The prosecution of separate actions by individual members of the plaintiff class would create a risk of inconsistent and/or varying adjudications with respect to Defendants and result in the impairment of class members' rights and the disposition of their interests through actions to which they were not parties.

11. Pursuant to California Labor Code section 218, Plaintiff may bring a civil action for overtime wages, other unpaid wages, and related statutory penalties (limited to penalties which the employees could collect for themselves, not civil penalties to be collected by the State Labor Workforce Development Agency) directly against the employer without first filing a claim with the Department of Labor Standards Enforcement.

FIRST CAUSE OF ACTION

**(Unlawful Business Practices in Violation of Bus.&Prof. Code Section 17200 et seq. Against
all Defendants)**

12. Plaintiff incorporates paragraphs 1 to 11 as though set forth in full herein.

13. Plaintiff alleges that Defendants and each of them engaged in numerous unlawful and deceptive activities in violation of the most basic of labor standards, including treating employees as independent contractors, failing to pay for all hours worked in violation of Labor Code Section 510 and the applicable Industrial Welfare Commission Order, Fair Labor Standards Act and statutory minimum wage regulations, failing to pay for missed meal and rest periods in violation of Labor Code Section 226.7 and the applicable Industrial Welfare Commission Order, failing to provide an accurate accounting of wages in violation of Labor Code Section 226, failing to maintain records of employees hours and wages in violation of Labor Code Section 226 and other applicable code sections, including the applicable Industrial Welfare Commission Order, Fair Labor Standards Act, and as further set forth in Paras. 5- 7. Plaintiff alleges that Defendants' unlawful conduct afforded each of them the ability to unfairly compete against other businesses that did comply with the law because Defendants' violations of the State and Federal wage and hour laws permitted them to avoid paying their employees for all hours worked, avoid paying missed meal and rest periods, and to hide such misconduct from their employees. In so doing, Defendants were able to reduce their labor costs which Plaintiff alleges translated into cost

1 savings and higher profits for Defendants from being able to compete with their competitors
2 unlawfully.

3 14. Plaintiff alleges that as a direct and proximate cause of Defendants' and each of their
4 unlawful business practices, Defendants have unlawfully withheld wages from Plaintiff and all
5 those similarly situated in an amount to be proven at the time of trial. Plaintiff alleges that
6 Defendants and each of them are in possession of all documents and information relative to
7 Plaintiff damages and all others similarly situated, and because Plaintiff do not have such
8 possession, Plaintiff are unable to provide a more accurate accounting of damages at this time.

9 15. Plaintiff and on behalf of those similarly situated, request restitution of unpaid wages,
10 related statutory penalties, and all other relief as the Court may deem proper, according to proof
11 and interest on all unpaid wages, pursuant to statute.

12 **SECOND CAUSE OF ACTION**

13 **(Unpaid Wages and Related Penalties Against All Defendants)**

14 16. Plaintiff hereby incorporates paragraphs 1 through 15 as though set forth in full
15 herein.

16 17. Plaintiff alleges that within three years prior to filing of this action, pursuant to the
17 provisions of the California Code of Regulations and the applicable Industrial Welfare
18 Commission Order, Defendants and each of them were required to compensate Plaintiff and all
19 those similarly situated, for overtime wages at the rate of 1.5 times the regular hourly rate of pay
20 for hours worked in excess of 8 hours per day or 40 hours per week, and overtime wages at twice
21 the regular rate of pay for hours worked in excess of 12 hours per day, and over 8 hours on a
22 seventh consecutive work day. Plaintiff alleges that Defendants and each of them violated the
23 Labor Code, violated the Industrial Welfare Commission Order as well as applicable provisions
24 of the Fair Labor Standards Act failed to pay Plaintiff for all hours worked, and overtime wages
25 for all hours worked which would qualify for overtime wages. Plaintiff further alleges
26 Defendants and each of them failed to fully compensate Plaintiff for all hours worked. Rather,
27 Defendants incorrectly labeled Plaintiff an independent contractor and an incorrect and
28 inadequate amount was paid for overtime hours, or the overtime hours were not paid at all or

1 were paid at a regular rate rather than the overtime rate. Pursuant to the provisions of Labor
 2 Code Section 510 and the California Code of Regulations and applicable Industrial Welfare
 3 Commission Order, Plaintiff and all those similarly situated are entitled to recover overtime
 4 wages at the applicable rates of overtime pay, including double overtime, for all hours which
 5 constitute compensable statutory overtime hours. Plaintiff, for himself and for all those similarly
 6 situated, seeks recovery of all unpaid wages, overtime wages at the applicable hourly and
 7 overtime wage rates, including all related statutory penalties, including liquidated damages,
 8 interest and other damages, as proven at the time of trial. Plaintiff also seeks the recovery of
 9 attorneys fees pursuant to Labor Code Section 1194 and applicable provisions of the .

10 18. Plaintiff alleges that within three years prior to filing of this action, pursuant to the
 11 provisions of the Labor Code and applicable Industrial Welfare Commission Order as outlined
 12 above, Defendants and each of them had knowledge that they were required to pay overtime
 13 wages, but willfully failed to pay Plaintiff and all those similarly situated all overtime wages due,
 14 and premium wages arising from Defendants' failing to permit Plaintiff to take their proper meal
 15 breaks and rest periods. Plaintiff's employment was terminated on or about September 20, 2009,
 16 and within the past three years, similarly situated employees were also terminated and/or
 17 resigned, at which time, Defendants willfully failed to pay Plaintiff and all those similarly
 18 situated all of the unpaid overtime and premium wages due. By failing to timely pay said wages
 19 upon termination or resignation of each Plaintiff and other similarly situated employees.
 20 Defendants who are adjudicated to be Plaintiff's employer at the time of termination, and each of
 21 them are liable pursuant to Labor Code Section 203 in an amount equal to 30 days of each
 22 Plaintiff's and/or other similarly situated employee's per diem wage rate or in an amount to be
 23 determined at the time of trial, including interest thereon.

24 19. Plaintiff alleges that within three years prior to filing of this action, pursuant to the
 25 provisions of the Labor Code and applicable Industrial Welfare Commission Order and Fair
 26 Labor Standards Act, Defendants and each of them were required to provide Plaintiff and all
 27 those similarly situated with an accounting with each wage payment containing information as
 28 required by Labor Code Section 226 *et seq.*, which information includes but is not limited to the

1 identification of the employer, number of hours worked, the rates of pay for said hours, and tax
 2 withholdings. Plaintiff alleges that Defendants and each of them willfully failed to provide their
 3 employees with the requisite accounting as required by the Labor Code and applicable Industrial
 4 Welfare Commission Order. By failing to provide said accounting, Defendants and each of them
 5 are liable to Plaintiff and all those similarly situated for penalties of \$50 for the initial pay period
 6 in which the violation occurred and \$100 for each subsequent pay period, for each employee, all
 7 in an amount to be determined at the time of trial, including interest thereon together with
 8 reasonable attorney's fees and costs of suit. Plaintiff also seeks indemnification from Defendants
 9 and each of them for all income tax liability and related damages incurred by Plaintiff and all
 10 those similarly situated who were treated as independent contractors and whose taxes were not
 11 withheld.

12 20. Plaintiff further alleges that Defendants and each of them violated the provisions of
 13 the Labor Code, Industrial Welfare Commission Order, and Fair Labor Standards Act, by failing
 14 to permit Plaintiffs and others similarly situated with meal breaks and rest periods during each
 15 mandated interval and for the amounts mandated for a full day's worth of hours. Plaintiff and all
 16 those similarly situated are therefore entitled to recovery of meals and rest periods wages, of one
 17 hour's worth of wages for missed meal breaks and one hour's worth of wages for missed rest
 18 periods.

19 THIRD CAUSE OF ACTION

20 **(Wrongful Termination in Violation of Public Policy Against All Defendants)**

21 21. Plaintiff hereby incorporate paragraphs 1 through 20 as though set forth in full herein.

22 22. Plaintiff alleges that he had and has statutory rights to proper payment of his wages,
 23 and to all benefits arising from status as an employee. In or about Summer of 2009, Plaintiff
 24 protested to Defendants and each of them that he was working significant hours without being
 25 properly paid overtime. Plaintiff requested that he be paid the according 1.5 times and 2.0 times
 26 his hourly rate for overtime hours that Plaintiff worked. Plaintiff also requested to be issued
 27 paystubs with withholdings.
 28

23. In response to Plaintiff's request for proper payment of wages Defendants and each of them responded by first reducing Plaintiff's work hours, and then ultimately terminated Plaintiff from his employment. On or about September 20, 2009, Plaintiff was terminated from his employment for no other reason aside from asking for proper payment of his wages and compliance with the statutes for proper payment of wages.

24. As a direct and proximate result of Defendant's and each of their conduct, Plaintiff has suffered damages, including but not limited to lost earnings, tax liabilities, lost overtime wages, lost related missing meal and rest period wages, and pain and suffering. Plaintiff alleges that in committing the acts complained of herein, Defendants and each of them acted with malice and oppression. Specifically, Defendants' termination of Plaintiff's employment constituted a knowing violation of the California Labor Code prohibition against reprimanding an employee for seeking proper payment of wages, including acts constituting criminal violations. Plaintiff therefore requests the imposition of punitive damages against Defendants and each of them.

FOURTH CAUSE OF ACTION

(Conversion Against All Defendants)

25. Plaintiff hereby incorporate paragraphs 1 through 24 as though set forth in full herein.

26. Plaintiff alleges that based on Defendants conduct, classifying Plaintiff as an independent contractor and paying Plaintiff less than what was actually earned, keeping the proceeds for themselves, Defendants and each of them have exercised unlawful control and dominion over Plaintiff's and all those similarly situated wages. Plaintiff alleges that the information from which the amount converted by Defendants can be derived is exclusively in the possession of the Defendants. However, the amount converted can and is a specific amount which can be quantified based on the Defendants' records.

27. Plaintiff therefore seeks damages in the sum of all unpaid wages which were converted from Plaintiff's wages. Plaintiff also alleges that Defendants in committing the acts complained of herein acted with fraud, malice and oppression in that Defendants' conduct constituting conversion was criminal conduct as defined by the Labor Code. Plaintiff therefore requests the imposition of punitive damages against Defendants and each of them.

1 WHEREFORE, PLAINTIFF PRAYS FOR DAMAGES AGAINST
2 ON THE FIRST CAUSE OF ACTION:

- 3 1. For restitution of all unpaid wages and interest;

4 ON THE SECOND CAUSE OF ACTION:

- 5 1. For compensatory damages in an amount to be proven at trial;
6 2. For all statutory penalties and interest, including liquidated damages, but solely restricted
7 to those statutory penalties which Plaintiff and each class member can recover on a
8 personal basis, not those penalties for which the Labor Workforce Development Agency
9 could collect;

10 ON THE THIRD CAUSE OF ACTION:

- 11 1. For compensatory damages in an amount to be proven at trial;
12 2. For punitive damages;

13 ON THE FOURTH CAUSE OF ACTION:

- 14 1. For compensatory damages in an amount to be proven at trial, which specific amount is
15 within the knowledge of the Defendants and each of them who retain the records from which the
16 amount can be ascertained;
17 2. For punitive damages.

18 ON ALL CAUSES OF ACTION:

- 19 1. For attorneys fees as permitted in any cause of action for which a statute or contract may
20 authorize recovery of attorneys fees;
21 2. For all just and reasonable relief as the court deems appropriate;
22 3. For costs of suit

23
24
25 DATED: April 25, 2011

HENRY M. LEE, LAW CORPORATION

26
27 By: 

28 Henry M. Lee
Robert Myong
Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE
Case Number _____

BC 461349

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 7.3©). There is additional information on the reverse side of this form

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Carolyn B. Kuhl	1	534	Hon. Holly E. Kendig	42	416
Hon. J. Stephen Czuleger	3	224	Hon. Mel Red Recana	45	529
Hon. Luis A. Lavin	13	630	Hon. Debre Katz Weintraub	47	507
Hon. Terry A. Green	14	300	Hon. Elizabeth Allen White	48	506
Hon. Richard Fruin	15	307	Hon. Deirdre Hill	49	509
Hon. Rita Miller	16	306	Hon. John Shepard Wiley Jr.	50	508
Hon. Richard E. Rico	17	309	Hon. Abraham Khan	51	511
Hon. Rex Heeseman	19	311	Hon. Susan Bryant-Deason	52	510
Hon. Kevin C. Brazile	20	310	Hon. John P. Shook	53	513
Hon. Zaven V. Sinanian	23	315	Hon. Ernest M. Hiroshige	54	512
Hon. Robert L. Hess	24	314	Hon. Malcolm H. Mackey	55	515
Hon. Mary Ann Murphy	25	317	Hon. Michael Johnson	56	514
Hon. James R. Dunn	26	316	Hon. Ralph W. Dau	57	517
Hon. Yvette M. Palazuelos	28	318	Hon. Rolf M. Treu	58	516
<i>Pending Assignment</i>	30	400	Hon. David L. Minning	61	632
Hon. Alan S. Rosenfield	31	407	Hon. Michael L. Stern	62	600
Hon. Mary H. Strobel	32	406	Hon. Kenneth R. Freeman	64	601
Hon. Charles F. Palmer	33	409	Hon. Mark Mooney	68	617
Hon. Amy D. Hogue	34	408	Hon. Ramona See	69	621
Hon. Daniel Buckley	35	411	Hon. Soussan G. Bruguera	71	729
Hon. Gregory Alarcon	36	410	Hon. Ruth Ann Kwan	72	731
Hon. Joanne O'Donnell	37	413	Hon. Teresa Sanchez-Gordon	74	735
Hon. Maureen Duffy-Lewis	38	412	Hon. William F. Fahey	78	730
Hon. Michael C. Solner	39	415	Hon. Emilie H. Elias*	324	CCW
Hon. Michelle R. Rosenblatt	40	414	other		
Hon. Ronald M. Sohigian	41	417			

***Class Actions**

All class actions are initially assigned to Judge Emilie H. Elias in Department 324 of the Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles 90005). This assignment is for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the Outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ JOHN A. CLARKE, Executive Officer/Clerk
By _____, Deputy Clerk
LACIV CCH 190 (Rev. 04/10)
LASC Approved 05-06
**NOTICE OF CASE ASSIGNMENT -
UNLIMITED CIVIL CASE**
Page 1 of 2

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the Chapter Seven Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Seven Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Seven Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Seven Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Seven Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Seven Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

LOS ANGELES SUPERIOR COURT ADR PROGRAMS**CIVIL:**

- **Civil Action Mediation** (Governed by Code of Civil Procedure (CCP) sections 1775-1775.15, California Rules of Court, rules 3.850-3.868 and 3.870-3.878, Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, chapter 12.)
- **Retired Judge Settlement Conference**
- **Neutral Evaluation** (Governed by Los Angeles Superior Court Rules, chapter 12.)
- **Judicial Arbitration** (Governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, rules 3.810-3.830, and Los Angeles Superior Court Rules, chapter 12.)
- **Eminent Domain Mediation** (Governed by Code of Civil Procedure section 1250.420.)
- **Civil Harassment Mediation**
- **Small Claims Mediation**

FAMILY LAW (non-custody):

- **Mediation**
- **Forensic Certified Public Accountant (CPA) Settlement Conference**
- **Settlement Conference**
- **Nonbinding Arbitration** (Governed by Family Code section 2554.)

PROBATE:

- **Mediation**
- **Settlement Conference**

NEUTRAL SELECTION

Parties may select a mediator, neutral evaluator, or arbitrator from the Court Party Select Panel or may hire someone privately, at their discretion. If the parties utilize the Random Select Mediation or Arbitration Panel, the parties will be assigned on a random basis the name of one neutral who meets the case criteria entered on the court's website.

COURT ADR PANELS

- Party Select Panel:** The Party Select Panel consists of mediators, neutral evaluators, and arbitrators who have achieved a specified level of experience in court-connected cases. The parties (collectively) may be charged \$150.00 per hour for the first three hours of hearing time. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Random Select Panel:** The Random Select Panel consists of trained mediators, neutral evaluators, and arbitrators who have not yet gained the experience to qualify for the Party Select Panel, as well as experienced neutrals who make themselves available pro bono as a way of supporting the judicial system. It is the policy of the Court that all Random Select Panel volunteer mediators, neutral evaluators, and arbitrators provide three hours hearing time per case. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Private Neutral:** The market rate for private neutrals can range from \$300-\$1,000 per hour.

ADR ASSISTANCE

For assistance regarding ADR, please contact the ADR clerk at the courthouse in which your case was filed.

City	Address	Room	City	Phone	Phone
Antonovich	42011 4th St. West	None	Lancaster, CA 93534	(661)974-7275	(661)974-7060
Chatsworth	9425 Penfield Ave.	1200	Chatsworth, CA 91311	(818)576-8585	(818)576-8687
Compton	200 W. Compton Blvd.	1002	Compton, CA 90220	(310)603-3072	(310)223-0337
Glendale	600 E. Broadway	273	Glendale, CA 91208	(818)500-3160	(818)548-5470
Long Beach	415 W. Ocean Blvd.	316	Long Beach, CA 90802	(562)491-6272	(562)437-3802
Norwalk	12720 Norwalk Blvd.	308	Norwalk, CA 90650	(562)907-7243	(562)462-9019
Pasadena	300 E. Walnut St.	109	Pasadena, CA 91101	(626)356-5685	(626)666-1774
Pomona	400 Civic Center Plaza	106	Pomona, CA 91766	(909)620-3183	(909)629-6283
San Pedro	505 S. Centre	209	San Pedro, CA 90731	(310)519-8151	(310)514-0314
Santa Monica	1725 Main St.	203	Santa Monica, CA 90401	(310)260-1829	(310)319-6130
Stanley Mosk	111 N. Hill St.	113	Los Angeles, CA 90012	(213)974-5425	(213)633-5115
Torrance	825 Maple Ave.	100	Torrance, CA 90503	(310)222-1701	(310)782-7326
Van Nuys	6230 Sylmar Ave.	418	Van Nuys, CA 91401	(818)374-2337	(818)902-2440

Partially Funded by the Los Angeles County Dispute Resolution Program
A complete list of the County Dispute Resolution Programs is available online and upon request in the Clerk's Office

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE**

[CRC 3.221 Information about Alternative Dispute Resolution]

For additional ADR information and forms visit the Court ADR web application at www.lasuperiorcourt.org (click on ADR).

The plaintiff shall serve a copy of this Information Package on each defendant along with the complaint (Civil only).

What is ADR:

Alternative Dispute Resolution (ADR) is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes, such as arbitration, mediation, neutral evaluation (NE), and settlement conferences, are less formal than a court process and provide opportunities for parties to reach an agreement using a problem-solving approach.

There are many different kinds of ADR. All of them utilize a "neutral", an impartial person, to decide the case or help the parties reach an agreement.

Mediation:

In mediation, a neutral person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves. Mediation leaves control of the outcome with the parties.

Cases for Which Mediation May Be Appropriate

Mediation may be particularly useful when parties have a dispute between or among family members, neighbors, or business partners. Mediation is also effective when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in an effective and nondestructive manner.

Cases for Which Mediation May Not Be Appropriate

Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

Arbitration:

In arbitration, a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are often relaxed. Arbitration may be either "binding" or "nonbinding." *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. *Nonbinding arbitration* means that the parties are free to request a trial if they do not accept the arbitrator's decision.

Cases for Which Arbitration May Be Appropriate

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

Cases for Which Arbitration May Not Be Appropriate

If parties want to retain control over how their dispute is resolved, arbitration, particularly binding arbitration, is not appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.

Neutral Evaluation:

In neutral evaluation, each party gets a chance to present the case to a neutral person called an "evaluator." The evaluator then gives an opinion on the strengths and weaknesses of each party's evidence and arguments and about how the dispute could be resolved. The evaluator is often an expert in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties typically use it as a basis for trying to negotiate a resolution of the dispute.

Cases for Which Neutral Evaluation May Be Appropriate

Neutral evaluation may be most appropriate in cases in which there are technical issues that require special expertise to resolve or the only significant issue in the case is the amount of damages.

Cases for Which Neutral Evaluation May Not Be Appropriate

Neutral evaluation may not be appropriate when there are significant personal or emotional barriers to resolving the dispute.

Settlement Conferences:

Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option. Mandatory settlement conferences are often held close to the date a case is set for trial.

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

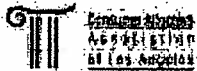


Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – EARLY ORGANIZATIONAL MEETING			CASE NUMBER:

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following:*
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lasuperiorcourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation.
(INSERT DATE) (INSERT DATE)
 3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤ _____
(ATTORNEY FOR PLAINTIFF)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR _____)

➤ _____
(ATTORNEY FOR _____)

➤ _____
(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – DISCOVERY RESOLUTION			

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:

CASE NUMBER:

- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
--------------	--------------

The following parties stipulate:

Date:	➤	
_____		_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR PLAINTIFF)
Date:	➤	
_____		_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:	➤	
_____		_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:	➤	
_____		_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:	➤	
_____		_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date:	➤	
_____		_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date:	➤	
_____		_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			

- This document relates to:
 - ☐ Request for Informal Discovery Conference
 - ☐ Answer to Request for Informal Discovery Conference
- Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).
- Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).
- For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION AND ORDER – MOTIONS IN LIMINE			

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:

CASE NUMBER:

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

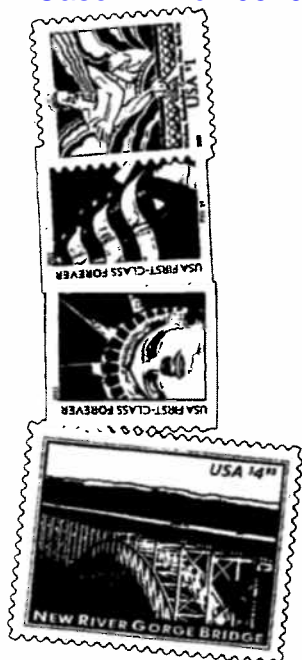
>

(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER



6082 TETE E000 DEPT 8002



CERTIFIED MAIL

PLACE STICKER A TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLLOW DOTTED LINE
AND CHECK BOX TO POSTAGE DOTTED LINE

HENRY M. LEE, LAW CORPORATION
3530 WILSHIRE BLVD., SUITE 1710
LOS ANGELES, CALIFORNIA 90010

CT Corporation System
208 So La Salle St. Suite 814
Chicago, IL 60604

Henry M. Lee, Bar No. 156041
 Robert Myong, Bar No. 262097
 HENRY M. LEE, LAW CORPORATION
 3530 Wilshire Boulevard, Suite 1719
 Los Angeles, California 90010
 (213) 382-0955
 (213) 382-0956 Facsimile

Attorneys for Plaintiff
 Kamran Rafizadeh

FILED
 LOS ANGELES SUPERIOR COURT

JUN 02 2011

JOHN A. CLARKE, CLERK
 BY RAUL SANCHEZ, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

KAMRAN RAFIZADEH, individually)
 and behalf of all those similarly situated,)
 Plaintiff,)

vs.)

BECKER PROFESSIONAL)
 DEVELOPMENT CORP., an Illinois)
 Corporation; and DOES 1 to 100,)
 inclusive,)

Defendants.)

CASE NO.: BC461349
 [Assigned to Hon. Emilie H. Elias,
 Dept. 324]

NOTICE OF COURT ORDER

TO ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the above entitled action, previously assigned to Judge
 Emilie H. Elias of Department 324 at the Central Civil West Courthouse, is now assigned to
 Judge Rita Miller in Department 16 at the Stanely Mosk Courthouse for all future purposes.

Attached to this notice is a copy of the court's notice.

DATED: June 1, 2011

HENRY M. LEE, LAW CORPORATION

By:

Robert Myong
 Attorneys For Plaintiff

06/03/11

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/25/11

DEPT. 324

HONORABLE EMILIE H. ELIAS

JUDGE A. MORALES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter.

8:30 am

BC461349

Plaintiff

Counsel

KAMRAN RAFIZADEH

NO APPEARANCES

VS

Defendant

BECKER PROFESSIONAL DEVELOPMENT
CORP

Counsel

NON-COMPLEX (05-25-11)

NATURE OF PROCEEDINGS:

COURT ORDER

This Court makes its determination whether or not this case should be deemed complex pursuant to Rule 3.400 of the California Rules of Court.

This case is designated non-complex and is reassigned to Judge Rita Miller in Department 16 at Stanley Mosk Courthouse for all further proceedings.

Plaintiff is ordered to serve a copy of this minute order on all parties forthwith and file a proof of service in Department 16 within five (5) days of service.

Any party objecting to the non-complex designation must file an objection and proof of service in Department 324 within ten (10) days of service of this minute order. Any response to the objection must be filed in Department 324 within seven (7) days of service of the objection. This Court will make its ruling on the submitted pleadings.

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF ORDER

Page 1 of 2 DEPT. 324

MINUTES ENTERED
05/25/11
COUNTY CLERK

06/03/11

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/25/11

DEPT. 324

HONORABLE EMILIE H. ELIAS

JUDGE

A. MORALES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

8:30 am

BC461349

Plaintiff

Counsel

KAMRAN RAFIZADEH

NO APPEARANCES

VS

Defendant

BECKER PROFESSIONAL DEVELOPMENT
CORP

Counsel

NON-COMPLEX (05-25-11)

NATURE OF PROCEEDINGS:

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 05-25-11 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: 05-25-11

John A. Clarke, Executive Officer/Clerk

By:

KIN HILAIRE

K. HILAIRE

HENRY M. LEE LAW CORPORATION

Henry M. Lee, Esq.

3530 Wilshire Boulevard, Suite 1719

Los Angeles, California 90010

PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within action. My business address is **3530 Wilshire Blvd, Suite 1710, Los Angeles, CA 90010**. On **June 1, 2011**, I mailed the foregoing document described as:

NOTICE OF COURT ORDER

on the parties in this action by mail by placing a true copy thereof in a sealed envelope addressed as follows:

Becker Professional Development Corp.
208 So. La Salle St., Suite 814
Chicago, IL 60604

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. The above envelope was sealed and place for collection and mailing on the above date following our ordinary business practices. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on **June 1, 2011** at Los Angeles, California.

☒ (X) (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ () (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Diana Kang
Name


Signature

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Margaret M. Morrow and the assigned discovery Magistrate Judge is Paul Abrams.

The case number on all documents filed with the Court should read as follows:

CV11- 5297 MMM (PLAx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Kamran Rafizadeh (individually and on behalf of all others similarly situated)		DEFENDANTS Becker Professional Development Corp. (and DOES 1 through and including DOES 100)	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) (See Attachment)		Attorneys (If Known) (See Attachment)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:35%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.)

☐ 1 Original Proceeding
 ☒ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

29 U.S.C. Section 207(a) - alleged failure to pay overtime

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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LACY11-5297

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Delaware; Illinois

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):

[Signature]

Date June 24, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

DEFENDANT BECKER PROFESSIONAL DEVELOPMENT CORP.'S
ATTACHMENT TO CIVIL COVER SHEET

CIVIL COVER SHEET SECTION I(b):

Attorneys for Plaintiff:

Henry M. Lee
LeeLawCorp@aol.com
Robert Myong
HENRY M. LEE, LAW CORPORATION
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Los Angeles, California 90010
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Fax: (213) 382-0956

Attorneys for Defendant Becker Professional Development Corp.:

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Fax: (213) 430-6407

1174839